

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30237-2023

Date of decision:-29.08.2023

Surinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Kamal Narula, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab

Mr.P.S. Chahal, Advocate for
Mr.Munish Gulati, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.290 dated 24.11.2022, under Sections 380/454/447/427 IPC, registered at Police Station Guruharshai, District Ferozepur, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of affidavit dated 31.05.2023, Annexure P2, executed by the complainant.

2. Counsel for the petitioners submits that the FIR is an outcome of a dispute amongst family members. He submits that the complainant is the daughter-in-law of petitioners No.2 and 3 and genesis of dispute between the parties is the share of her deceased husband. He

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submits that petitioners No.1 and 4 are brother-in-law and sister-in-law, respectively, of complainant/respondent No.2 and the dispute *inter se* the parties has been amicably settled as is reflected from the affidavit, Annexure P2, executed by the complainant.

3. Upon instructions from ASI Mohinder Singh, State counsel submits that the matter is under investigation.

4. Counsel for the respondent No.2/complainant has admitted the factum of compromise.

5. Heard counsel for the parties.

6. Pursuant to order dated 03.07.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“From the statements as recorded in the Court, it is respectfully submitted that the present FIR was registered against four persons and all of them appeared in the Court and suffered their statement with regard to compromise. It is respectfully submitted that none of the accused is absconding/proclaimed offender in the present case. It is further respectfully submitted that Rajwinder Kaur daughter of Hardial Singh, resident of village Chak Rao Ke Hithar, Tehsil Gurusahai, District Ferozepur is complainant/aggrieved person in the present case and she appeared and made statement in support of compromise. It is further respectfully submitted that challan has not been presented in the court against the accused persons till today. It is further respectfully submitted that as per the statements suffered by the complainant and accused persons, the compromise effected

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between the parties is without any kind of coercion or undue influence and same is genuine, voluntary and out of free will. It is further respectfully submitted that as per the statements recorded in the Court, accused are not involved in any criminal case except the present one.”

7. In view of this development, report of the Trial Court and judgment of the Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Mrs. Shakuntala Sawhney Versus Mrs. Kaushalya Sawhney, 1979(3) SCR 639***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.290 dated 24.11.2022, under Sections 380/454/447/427 IPC, registered at Police Station Guruharshai, District Ferozepur, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

29.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No